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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/698,362

10/27/2000

Phillip S. Pound

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(13421RRUS01U)

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EXAMINER

ENG, GEORGE

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 06/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/698,362

Applicant(s)

POUND, PHILLIP S.

Examiner

George Eng

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 March 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18, 20-22, 24-28, 30-33 and 35-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18, 20-22, 24-28, 30-33 and 35-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Response to Amendment*

1. This Office action is in response to amendment filed 3/25/2003 (paper no. 4).

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 6-8, 10-16, 18, 20, 22, 24-25, 27-28, 30-33, 35-39 and 41-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Riddle (US PAT. 6,151,619) in view of Tabata et al. (US PAT. 6,313,864 hereinafter Tabata).

Regarding claim 1, Riddle discloses a method for establish a packet based call session with a remote party over an Internet protocol network, receiving information associated with at least one attribute of party during the packet based call session and displaying an image during the packet based call session (col. 6 lines 25-59, col. 7 line 32 through col. 9 line 15 and col. 13 line 34 through col. 16 line 27). Riddle differs from the claimed invention in not specifically teaching to alter at least a portion of the image associated with the party information based on the received information and to display the altered image. However, Tabata discloses an efficiency transferring method for communicating image and voice comprising the steps of receiving

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calling party information (i.e., a fundamental character data of the calling party) associated with the incoming call, receiving information associated with at least one physical attribute of the party, altering at least a portion of an image associated with the party information based on the received information, and display the altered image (col. 10 line 1 through col. 12 line 20 and col. 22 line 36 through col. 25 line 44). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Riddle in altering at least a portion of the image associated with the party information based on the received information and displaying the altered image, as per teaching of Tabata, because it provides an efficiency transferring method for communicating image and voice without significant burdens to the users in terms of preparation time and effort.

Regarding claims 2-3, Tabata discloses receiving information associated with at least one physical attribute of the party comprising receiving information associated with facial expressions of the party, i.e., command signal codes in accordance with the eye and lip movement data (col. 10 lines 41-53).

Regarding claim 4, Tabata discloses to alter the mouth (i.e., lips) of the image (col. 12 lines 9-13).

Regarding claim 6, Tabata teaches to receive information associated with at least one physical attribute comprising data, i.e., a numeric value, associated with one of a plurality of facial expression (col. 15 lines 8-18 and col. 17 lines 44-53).

Regarding claim 7, Tabata teaches to receiving voice signal as receiving the incoming call (col. 12 lines 5-8).

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Regarding claim 8, Tabata teaches to display an image of moving lips of the party that are substantially synchronized with the voice signals (col. 7 line 63 through col. 8 line 15).

Regarding claim 10, Riddle discloses an apparatus as shown in 3 comprising an interface (327) adapted to receiving voice information and image information in a call session with a party, wherein the image information is representative of a facial expression (figure 6), at least one storage device to store an electronic representation of an image of the party, and a controller (302) adapted to communicate over a packet-based network, i.e., internet, to establish the call session and display the image during the call session so that it recognizes the controller is adapted to communicate Session Initiation Protocol (SIP) messaging to establish the call session (col. 6 lines 25-59, col. 7 line 32 through col. 9 line 15 and col. 13 line 34 through col. 16 line 27). Riddle differs from the claimed invention in not specifically teaching to animate at least a portion of the electronic representation of the image based on the animation information and display the animated image. However, Tabata discloses a device having a controlling unit to animate at least a portion of the electronic representation of the image based on the animation information and display the animated image (col. 14 line 15 through col. 17 line 65). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Riddle in animating at least a portion of the image associated with the party information based on the animation information and displaying the animation image, as per teaching of Tabata, because it makes capable of communicating image and voice without significant burdens to the users in terms of preparation time and effort.

Regarding claims 11-12, Tabata discloses to receive calling party information associated with the call to access image based on the calling party information (col. 22 lines 51-66).

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Regarding claim 13, the limitation of the claim are rejected as the same reasons set forth in claim 8.

Regarding claim 14, the limitation of the claim are rejected as the same reasons set forth in claim 6.

Regarding claims 15-16, Tabata discloses the controller capable of tracking physical attributes of a user of the apparatus, mapping the physical attributes of the user to a selected value, and to transmit the selected value to a remote telecommunication device (col. 6 line 56 through col. 7 line 6 and col. 11 lines 38-60).

Regarding claim 18, Riddle discloses an article comprising at least one machine-readable storage medium containing instruction that when executed cause a processor to over a packet-based network, i.e., internet, to establish the call session so that it recognizes the controller is adapted to communicate Session Initiation Protocol (SIP) messaging to establish the call session, wherein the processor is capable of receiving a voice signal from a participant in the call session and receiving information representing at least a portion of a face of the participant (col. 6 lines 25-59, col. 7 line 32 through col. 9 line 15 and col. 13 line 34 through col. 16 line 27). Riddle differs from the claimed invention in not specifically teaching to animate an image based on the received information so that movement of the face is substantially synchronized with the voice signal. However, Tabata discloses to receive an image comprising at least a portion of a face of the participant and modify a portion of the image so that the movement of the face is substantially synchronized with the voice signal (col. 7 lines 18-37, col. 10 line 1 through col. 12 line 20 and col. 22 line 36 through col. 25 line 44). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Riddle in

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animating the image associated based on the received information, as per teaching of Tabata, because it makes capable of communicating image and voice without significant burdens to the users in terms of preparation time and effort.

Regarding claim 20, Tabata teaches to receive the image from a storage device over the call session (col. 10 lines 12-26).

Regarding claim 22 and 24, Tabata teaches to map information over the call session, to modify the portion of the image based on the information and to display the portion of the image, wherein animating the image is based on the mapping information (col. 22 line 36 through col. 25 line 44).

Regarding claim 25, the limitations of the claim are rejected as the same reasons set forth in claim 1.

Regarding claim 27, the limitation of the claim are rejected as the same reasons set forth in claim 8.

Regarding claim 28, the limitation of the claim are rejected as the same reasons set forth in claim 20.

Regarding claim 30, the limitations of the claim are rejected as the same reasons set forth in claim 10.

Regarding claim 31, the limitation of the claim are rejected as the same reasons set forth in claims 2-3.

Regarding claim 32, the limitation of the claim are rejected as the same reasons set forth in claim 7.

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Regarding claim 33, the limitation of the claim are rejected as the same reasons set forth in claim 8.

Regarding claim 35, the limitations of the claim are rejected as the same reasons set forth in claim 1.

Regarding claims 36 and 38, the limitation of the claim are rejected as the same reasons set forth in claims 2-3.

Regarding claim 37, the limitation of the claim are rejected as the same reasons set forth in claim 6.

Regarding claim 39, the limitation of the claim are rejected as the same reasons set forth in claim 8.

Regarding claim 41, Tabata teaches to animate the image (col. 2 lines 45-59).

Regarding claims 42-46, Tabata teaches the animation information consuming less bandwidth than video image data representing user (col. 1 line 17 through col. 2 line 59).

4. Claims 5, 21 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Riddle (US PAT. 6,151,619) in view of Tabata et al. (US PAT. 6,313,864 hereinafter Tabata) as applied in claims above, and further in view of Hsu (US PAT. 5,907,604).

Regarding claim 5, Tabata discloses to receive calling party information comprising an image of a speaker on a sending side (col. 10 lines 12-17 and col. 22 lines 51-64). The combination of Riddle and Tabata differs from the claimed invention in not specifically teaching to receive calling party information comprising at least one of a phone number and name associated with the incoming call. However, it is old and notoriously well known in the art of



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receiving calling party information comprising at least one of a phone number and name associated with the incoming call, i.e., caller ID, in order to use the calling party information to determine whether to allow the call to go through, to block the call, or to display the information on a display, for example see Hsu (col. 1 line 66 through col. 2 line 42 and col. 3 line 66 through col. 4 line 16). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Riddle and Tabata in receiving calling party information comprising at least one of a phone number and name associated with the incoming call, as per teaching of Hsu, in order to use the calling party information to determine whether to allow the call to go through, to block the call, or to display the information on a display.

Regarding claims 21-26, the limitations of the claims are rejected as the same reasons set forth in claim 5.

5. Claims 9, 17, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Riddle (US PAT. 6,151,619) in view of Tabata et al. (US PAT. 6,313,864 hereinafter Tabata) as applied in claims above, and further in view of Coleman (H1790).

Regarding claim 9, Tabata discloses the image and voice communication device (2) communicating with an external device (4) via a telephone line such that the image and voice communication device can be read as conventional videophone. The combination of Riddle and Tabata differs from the claimed invention in not specifically teaching to communicate over a wireless link. However, it is old and notoriously well known in the art of using a wireless link for communication, i.e., cellular videophone, in order to improve the portability, for example see

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Coleman (abstract and col. 3 line 33 through col. 4 line 9). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Riddle and Tabata to use the wireless link for communication, as per teaching of Coleman, because it improves the portability.

Regarding claims 17 and 40, the limitations of the claims are rejected as the same reasons set forth in claim 9.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-18, 20-22, 24-28, 30-33 and 35-46 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gittins et al. (US PAT. 6,052,372) discloses a method for establishing communication between a source user and a destination user over a packet switched network (col. 2 line 27 through col. 3 line 7). Kadowaki (US PAT. 5,414,457) discloses a communication apparatus including a storage unit for storing image information associated with a distant station (abstract). Tomimori (JP 2000307707A) discloses a telephone set to display calling person's portrait image along with his name and telephone number, and changing displayed image according to additional data (abstract)

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8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

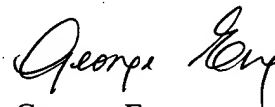
Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, V.A., Sixth Floor (Receptionist).

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is 703-308-9555. The examiner can normally be reached on Tuesday to Friday from 7:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz, can be reached on (703) 305-4870. The fax phone number for the organization where this application or proceeding is assigned is 703-308-6306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

  
George Eng

Examiner

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